Filed 11-18-87

CITY OF ELGIN
ORDINANCE NO. 6
SERIES 1987

AN ORDINANCE AMENDING THE CITY OF ELGIN ZONING ORDINANCE - SERIES 1983 REVISING FLOOD PLAIN REGULATIONS.

WHEREAS, the City of Elgin adopted a revised Zoning Ordinance on October 11, 1983, which includes Article 12.00 Provisions Applicable to Flood Plains;

WHEREAS, the Federal Emergency Management Agency (FEMA) adopted new federal regulations which became effective on October 1, 1986;

WHEREAS, participating local jurisdictions are required to incorporate the new provisions into their flood hazard ordinances to retain eligibility in the National Flood Insurance Program (NFIP).

NOW THEREFORE, THE CITY OF ELGIN ORDAINS AS FOLLOWS:

SECTION 1: ELGIN, OREGON ZONING ORDINANCE SERIES 1983

A. "Revisions to the City of Elgin Flood Plain Overlay Zone" includes amendments which reflect new and revised flood plain regulations, is adopted, approved and affixed hereto.

B. Article 12.00 Provisions Applicable to Flood Plains is remanded and replaced by applicable provisions in Part A of this Section 1.

SECTION 2: EFFECTIVE DATE

No emergency is found to exist, therefore this ordinance will become effective 30 days from adoption.

PASSED AND ADOPTED this 10th day of November 1987, by (6) City Council members voting therefore.

Betty Huber
City Recorder

Pat McMullen
Mayor

Clayton R Brickson
City Council Member

Juanita Clum
City Council Member

Jenny Gifford
City Council Member

Janice Klumpin
City Council Member

Galen A Clark
City Council Member

City Council Member

REVISIONS TO THE
CITY OF ELGIN
FLOOD PLAIN OVERLAY ZONE
SEPTEMBER 8, 1987

"CITY OF ELGIN, OREGON, ZONING ORDINANCE - SERIES 1983"

SECTION 2.01 DEFINITIONS
"AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 12.03 2. A. (2).

"LOW INVESTMENT ACCESSORY STRUCTURES" A structure which is incidental, appropriate or subordinate to the main use of the property and which has a relatively low investment such as haysheds, loafing barns or animal shelters.

"MANUFACTURED OR MOBILE HOME" means a structure transportable in one or more sections, which is built on a permanent chassis, not less than six hundred (600) square feet, and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not included park trailers, travel trailers, and other similar vehicles.

"MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale which are defined as nonfarm dwellings.

[MOBILE HOME. A portable structure or trailer, not less than six hundred (600) square feet, so constructed and designed as to permit permanent occupancy for sleeping or living purposes.]

[MOBILE HOME PARK. A lot providing water and electrical hook-ups for two (2) or more mobile homes occupied for living or sleeping purposes, regardless of whether a charge is made for such accommodation.]

"START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

NOTE: The following language is a replacement for Article 12.00 Provisions Applicable to Flood Plains.

ARTICLE 12.00
PROVISIONS APPLICABLE TO FLOOD PLAINS

12.01 PURPOSE

The Flood Plain (FP) Overlay Zone is a superimposed zone applied in combination with existing identified zones for the purpose of promoting the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specified areas.

12.02 AREAS OF SPECIAL FLOOD HAZARD

The boundaries of areas recognized as Flood Plains (FP) shall be the boundaries of special flood hazard areas which are areas subject to a one percent or greater chance of flooding in any given year, identified by the Federal Emergency Management Agency (FEMA) in a scientific and

engineering report entitled "Flood Insurance Rate Map City of Elgin, Oregon, Union County, November 15, 1978" (to be updated by a revised map due for adoption on September 30, 1987).

The Flood Plain Overlay Zone is identified as a superimposed zone over the existing Elgin Plan/Zoning Map. In addition, where base flood elevation data has been provided by the FEMA the Federal Flood Insurance and Floodway Maps are hereby adopted by reference and declared to be a supplemental part of this ordinance.

Where base flood elevation data has not been provided by FEMA, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, State or other sources, in order to administer residential and non-residential construction within potential special flood hazard areas. When no base data exists, either through the Flood Insurance Study or from another authorized source, the zoning and building permit applications shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made, where available, through the use of historical data, high water marks, photographs of past flooding, etc. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

12.03 LIMITATIONS

The areas within the FP Overlay Zone shall be regulated by the following general and specific standards in combination with the applicable underlying zone, e.g., FP/R. The outright and conditional uses permitted in accordance with the provisions of the underlying zones shall be permitted only where the FP general and specific standards can be complied with. Where prior approval is required, all necessary permits should first be obtained from applicable federal, state or local governmental agencies.

1. General Standards.
   In all areas of special flood hazards, the following standards are required:
   A. Filing of a development permit or building permit, where applicable, shall be obtained before construction or development begins within any area of special flood hazard. Development permits are required for all structures including manufactured homes and for all other development including fill, except low investment structures; building permits shall be for all structures. Application for a development and building permit shall be made to and maintained by the

Building Inspector and findings submitted to the City Clerk. The City Clerk will record and maintain actual elevation of the lowest habitable floor (including basement) of all new or substantially improved structures and record and maintain the actual elevation of flood proofing certification for flood proofed structures. Specifically, the following information is required for development permits:

(1) Elevation in relation to mean sea level, of the lowest floor, including basement, of all structures.

(2) Elevation in relation to mean sea level to which any structure has been flood proofed.

(3) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 12.03 2. B.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(5) If the Building Inspector determines an alteration to a watercourse could have an effect on a neighboring community, such community shall be involved in the review of the development permit.

B. ANCHORING.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMAS's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

C. CONSTRUCTION, MATERIALS AND METHODS.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. UTILITIES.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. SUBDIVISION PROPOSALS.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available for another authoritative source it shall be generated for subdivision proposals and other proposed developments which contain at least 50-lots of 5-acres, whichever is less.

F. ALTERATION TO WATERCOURSES.

(1) No development activity shall alter a water course which will reduce its carrying capacity.

(2) Notify adjacent communities and the Department of Land Conservation & Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

G. LOW INVESTMENT ACCESSORY STRUCTURES.

(1) Obtain a building permit prior to construction.

(2) Be anchored in compliance with Section 12.03 1. B. (1).

2. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

A. RESIDENTIAL CONSTRUCTION.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. NON-RESIDENTIAL CONSTRUCTION.

New construction and substantial improvement of any commercial, industrial or non-residential structure other than low investment accessory structures shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation, or together with the attendant utility and sanitary facilities, shall:

(1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the County Building Inspector.

(4) Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor.

(5) Applicants flood proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

C. MANUFACTURED HOMES

All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 12.03 1.B.

D. FLOODWAYS.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and have erosion potential, the following provisions apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 12.03 limitations.

(3) Prohibit the placement of any manufactured homes, except in an existing manufactured home park or existing manufactured home subdivision.

12.04 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood

hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City of Elgin, or the Federal Emergency Management Agency for any flood damages that result from reliance on this section or any administrative decision lawfully made thereafter.